

Exhibit 1. June 22,2006 Deposition of Terri Pechner-james-Excerpts

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

TERRI PECHNER-JAMES
and SONIA FERNANDEZ,
Plaintiffs

CITY OF REVERE; THOMAS
AMBROSINO, MAYOR; CITY OF
REVERE POLICE DEPARTMENT,
TERRENCE REARDON, CHIEF;
BERNARD FOSTER, SALVATORE
SANTORO, ROY COLANNINO,
FREDERICK ROLAND, THOMAS DOHERTY,
JOHN NELSON, JAMES RUSSO,
MICHAEL MURPHY, and STEVEN FORD,
Defendants

CONTINUED DEPOSITION of TERRI
PECHNER-JAMES taken at the request of the
defendants pursuant to Rule 30 of the Federal
Rules of Civil Procedure before Nancy A.
Diemadowicz, Registered Merit Reporter, a
notary public in and for the Commonwealth of
Massachusetts, on June 22, 2006, commencing at
9:15 A.M. at the City Hall, 281 Broadway,
Revere, Massachusetts.

COPY

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1 MR. PORR: We're back on the record
2 with Ms. James' continuing deposition.
3

4 EXAMINATION BY MR. PORR:

5 Q. Good morning, Ms. James.

6 A. Good morning.

7 Q. How are you this morning?

8 A. Good.

9 Q. I'm sorry?

10 A. Good.

11 Q. You're going to have to speak up,
12 please, both because of the air conditioners
13 that are running and so madam reporter can
14 hear you and also so I can hear you.

15 A. Okay.

16 Q. Is that going to be a problem?

17 A. No.

18 Q. It might help if you take your
19 hands down from your mouth, too. It's just a
20 suggestion. Are you on any medication today?

21 A. Yes.

22 Q. What have you taken?

23 A. Klonopin, Xanax, Paxil, and
24 Synthroid.

1 Q. All right. And how are you feeling?
2

3 A. Fine.

4 Q. I'm sorry?

5 A. Fine.

6 Q. Yesterday, when we took Sonia
7 Fernandez' deposition, she mentioned that she
8 had talked to you the night before and that
9 you were ill. Are you still ill or are you
10 okay?

11 A. I'm still ill.

12 Q. Okay. What are you suffering from?

13 A. Posttraumatic stress disorder.

14 Q. All right. Aside from that, are
15 you suffering from any physical illness today?

16 A. Yes.

17 Q. What?

18 A. It's personal.

19 Q. Okay. Is whatever you're suffering
20 from in any way going to affect your ability
21 to testify --

22 A. No.

23 Q. -- answer my questions?

24 A. No.

1 Q. Okay. I'm sorry. When I'm sitting
2 here looking at someone that's kind of staring
3 off into space, I'm getting a sense that I'm
4 not really in any way connecting here with you
5 and you're kind of off in la-la land. Am I
6 mistaken?

7 A. You've said that at every
8 deposition. Just ask your questions. You're
9 wasting time.

10 Q. Ms. Pechner, let me explain
11 something to you, and I want to make this very
12 clear.

13 MR. DILDAY: Let me say this. If
14 she looks at the ceiling, it doesn't matter,
15 as long as she answers your questions, Walter.

16 MR. PORR: Okay. But I'm getting a
17 sense from the witness that she is not here.
18 I know her body is sitting across the table
19 from me, but the responses are flat, they are
20 monotone, she is staring off into space, her
21 voice is low.

22 I've asked her to bring it up a
23 couple times given the circumstances. We
24 explained it before the deposition started. ■

1 reiterated it after the deposition started. I
2 sense a vacancy in the stare. All right? at we

3 She's taken four different
4 medications. She's complaining about her
5 posttraumatic stress, and she's got a physical
6 illness that is personal and she doesn't want
7 to talk about, which I respect, but I'm trying
8 to make sure she's okay in terms of being
9 deposed.

10 And so when I look at a witness
11 under those conditions, I'm concerned that
12 despite the answers I'm getting that maybe,
13 you know, there's an issue here. So that's
14 what I'm trying to address to make sure that
15 she is okay to go forward today.

16 MR. DILDAY: Well, she said she's
17 okay.

18 MR. PORR: Well, that's fine.

19 MR. DILDAY: One of the issues is
20 that she does not want to be here, but she's
21 ready to go, and, as she said, let's go
22 forward.

23 MR. PORR: All right. And that led
24 to the point that I'm the cross-examiner, not

1 her. I will ask the questions that I feel are
2 necessary and appropriate to make sure that we
3 have an effective deposition session. So it's
4 not for her to tell me what questions to ask.

5 MR. DILDAY: Don't point your pen
6 at her, please. You don't have to do that.

7 MR. PORR: Okay.

8 MR. DILDAY: Just make your point
9 and start to ask your questions.

10 MR. PORR: All right. I'll do
11 that.

12 Q. At the conclusion of the last
13 deposition session on June 7th, you were
14 complaining about your PTSD and how it was
15 impacting you.

16 Is your PTSD going to prevent you
17 from testifying this morning?

18 A. No.

19 Q. Okay. Have you seen any doctors
20 since the last deposition session on June 7th?

21 A. Yes.

22 Q. Who did you see and when?

23 A. Dr. Gingrich, my primary care
24 doctor.

1 Q. Okay. When did you see him?

2 A. Last week. I don't know the day.

3 Q. Did you see him for the condition
4 that's affecting you now?

5 A. Yes.

6 Q. Okay. Did you see any other
7 doctors for anything else?

8 A. No.

9 Q. Have you visited the On-Site
10 Academy since the last deposition session?

11 A. No.

12 Q. Have you reviewed any documents
13 related to this case since the June 7th
14 deposition session?

15 A. No.

16 Q. For instance, and most
17 specifically, have you looked at any
18 deposition transcripts of your testimony?

19 A. No.

20 Q. How about Sonia Fernandez?

21 A. No.

22 Q. Have you talked to Sonia Fernandez
23 since June 7, '06, the last deposition
24 session?

1 Q. Okay. When did you see him?

2 A. Last week. I don't know the day.

3 Q. Did you see him for the condition
4 that's affecting you now?

5 A. Yes.

6 Q. Okay. Did you see any other
7 doctors for anything else?

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10 Academy since the last deposition session?

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13 related to this case since the June 7th
14 deposition session?

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16 Q. For instance, and most
17 specifically, have you looked at any
18 deposition transcripts of your testimony?

19 A. No.

20 Q. How about Sonia Fernandez?

21 A. No.

22 Q. Have you talked to Sonia Fernandez
23 since June 7, '06, the last deposition
24 session?

1 A. Yes.

2 Q. How many times?

3 A. Once.

4 Q. Okay. When's the last time you
5 talked to her?

6 A. The other day.

7 Q. And did you initiate that phone
8 call or did she?

9 A. I don't remember.

10 Q. Okay. What did you talk about?

11 A. About my illness.

12 Q. Anything else?

13 A. Her grandmother.

14 Q. Anything else?

15 A. I don't remember.

16 Q. Okay. Is there a problem keeping
17 your voice up? I'm having a hard time hearing
18 you, and if I'm having a hard time, I know
19 madam reporter is having a hard time.

20 A. I don't remember.

21 Q. Can you keep your voice up for us,
22 please?

23 A. I'll try.

24 Q. All right. One of the things that